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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/568,416

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Seiichi Murakami

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EXAMINER

MORRIS, JOHN J

ART UNIT

PAPER NUMBER

4147

MAIL DATE

DELIVERY MODE

11/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/568,416	Applicant(s) MURAKAMI, SEIICHI	
	Examiner JOHN J. MORRIS	Art Unit 4147	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/22/2008, 1/14/2008, 6/28/2007, 2/14/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Furuhashi et al. (US Pub# 20020000979 A1/ or “*Furuhashi*” *hereinafter*).

For **claim 1**, Furuhashi teaches a transparent first substrate and a second substrate each having a transparent electro-conductive layer on one surface thereof, the transparent first substrate and the second substrate being arranged with a predetermined interval between each other in such a manner that the transparent electro-conductive layers are facing each other, and each transparent electro-conductive layer having a pair of electrodes disposed on each end (Furuhashi, page 5 paragraph [0101] - page 6 paragraph[0112], figure 2). Furuhashi also teaches a plurality of lead-out terminals being connected to the electrodes through surrounding circuits formed on the peripheral edges of the first substrate and the second substrate, the lead-out terminals each being arranged on the opposing surfaces of the first substrate and the second substrate (Furuhashi, page 5 paragraph [0101] - page 6 paragraph[0112], figure 2). Furuhashi teaches a plurality of holding members for holding the peripheral edges of the transparent first substrate, the holding members being formed of an electro-conductive material and formed so that each

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of the portions inserted between the transparent first substrate and the second substrate is in contact with each lead-out terminal (Furuhashi, page 5 paragraph [0101] - page 6 paragraph [0112], figure 2).

For **claim 2**, configuring the thickness of the portions of the holding members inserted between the transparent first substrate and the second substrate to 0.5 to 2 times the space between the transparent first substrate and the second substrate is an obvious matter of design choice. This is so because such a modification would only require a mere change of components. Furuhashi teaches adhesive material between the two substrates (Furuhashi, figure 2); this material could easily be modified to increase or decrease the space between. Furuhashi also teaches spacers in between the substrates to prevent the two substrates from touching each other (Furuhashi, figure 2); these spacers can also be configured to increase or decrease the space between the substrates.

For **claim 5**, Furuhashi teaches the first substrate as a fixed substrate (Furuhashi, figure 2, page 8, paragraph [0139]).

For **claim 6**, Furuhashi teaches a transparent first substrate and a second substrate each having a transparent electro-conductive layer on one surface thereof, the transparent first substrate and the second substrate being arranged with a predetermined interval between each other in such a manner that the transparent electro-conductive layers are facing each other, and each transparent electro-conductive layer having a pair of

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electrodes disposed on each end (Furuhashi, page 5 paragraph [0101] - page 6 paragraph[0112], figure 2). Furuhashi also teaches a plurality of lead-out terminals being connected to the electrodes through surrounding circuits formed on the peripheral edges of the first substrate and the second substrate, the lead-out terminals each being arranged on the opposing surfaces of the first substrate and the second substrate (Furuhashi, page 5 paragraph [0101] - page 6 paragraph[0112], figure 2). Furuhashi teaches a plurality of holding members for holding the peripheral edges of the transparent first substrate, the holding members being formed of an electro-conductive material and formed so that each of the portions inserted between the transparent first substrate and the second substrate is in contact with each lead-out terminal (Furuhashi, page 5 paragraph [0101] - page 6 paragraph [0112], figure 2). Furuhashi also teaches that this touch panel being disposed on the display surface side of the display apparatus, and the holding members being in contact with the connecting terminals (Furuhashi, figure 1).

3. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Applicant admitted prior art (*AAPA hereinafter*).

For **claim 3**, The AAPA teaches a notched portion to which a connector is attached (AAPA, figure 7, page 1, lines 25-28).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Furuhashi et al. (US Pub# 20020000979 A1/ or "*Furuhashi*" hereinafter) in view of Applicant admitted prior art (*AAPA hereinafter*).

For **claim 3**, The AAPA teaches a notched portion to which a connector is attached (AAPA, figure 7, page 1, lines 25-28).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Furuhashi et al. (US Pub# 20020000979 A1/ or "*Furuhashi*" hereinafter) in view of Jacobsen et al. (US Pat# 7002555 B1/ or "*Jacobsen*" hereinafter).

For **claim 4**, Furuhashi does not teach groove portions in the surface of the substrate; however, in the same field of endeavor, Jacobsen teaches holding plates to hold the substrates together (Jacobsen, figure 1). It would have been an obvious matter of design choice to configure a position groove on the back of the first substrate because

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such a modification would only require a mere addition of a groove. It would have been obvious to one skill in the art at the time of the invention to modify Furuhashi with Jacobsen because both are touch panels and using the holding plates may provide a more secure way to hold the substrates together.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nakayama et al. (US Pat# 7227537 B2) discloses a touch panel; Takashi (Document # jp-2000187237) discloses a liquid crystal display device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN J. MORRIS whose telephone number is (571)270-7171. The examiner can normally be reached on Monday - Friday 7am - 3pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu-Oanh Bui can be reached on (571)272-7291. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KIEU-OANH BUI/
Supervisory Patent Examiner, Art Unit 4147

JOHN J MORRIS
Examiner
Art Unit 4147